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Attorney for the Charging Party

MONTANA DEPARTMENT OF LABOR & INDUSTRY
Human Rights Bureau
P O Box 1728
Helena MT 59624
(406) 444-2798 (fax)

Glenn D. Quinnell,
c/o Best Law Offices, P.C.
425 Third Ave. No.
P.O. Box 2114
Great Falls, MT 59403,

Charging Party,

HR Case No. 0131016372
0131016371

vs.

State of Montana,
Kenton E. Hicketier,
Montana Highway Patrol, and
Montana Department of Justice,
2550 Prospect Ave.
P.O. Box 201419
Helena, MT 59620-1419,

Respondents.

AMENDED COMPLAINT OF DISCRIMINATION

The undersigned, Glenn D. Quinnell, states as follows:

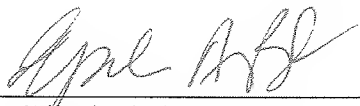
1. My name is Glenn Quinnell. I am the charging Party. I am a Trooper in the Montana Highway Patrol (MHP) based in Glendive. The MHP is a part of the State of Montana Department of Justice (DOJ). I have worked for the MHP for 8 years. I can be reached through my lawyer, Elizabeth Best, BEST LAW OFFICES P.C., (406) 452.2933.
2. Respondents are Kenton Hickethier, the State of Montana, the Montana DOJ, and the Montana Highway Patrol. Respondent Hickethier is a supervisor with the title of Chief Administrator of the MHP ("Chief").
3. Respondents harassed me based upon gender, and retaliated against me for engaging in protected activity, i.e., objecting to gender, race, and ethnicity based harassment and discrimination.
4. The following facts support my claim:
 - a. During the Summer of 2011, I reported discriminatory conduct by Respondent Hickethier, who was then an MHP Captain. I witnessed Hickethier committing what I understood, based on MHP training, to be sexual harassment of women while attending a law enforcement conference in Phoenix.
 - b. During the same conference, Hickethier made offensive sex-based insults about my wife, and my sexual relationship with my wife. During a seminar at the conference, Hickethier made offensive gender-based comments about a female speaker, the Attorney General for the State of Arizona.
 - c. During the same conference, Hickethier made race, national origin and ethnic based offensive comments. In one instance Hickethier ordered me to arrest suspects I believed might be illegally in the country regardless of whether the facts supported an offense for which a person could be arrested under Montana law. His instructions were to get them to jail one way or another so Federal authorities could place detainers on them. When others and I said we would not violate a person's civil rights he focused on me and said I would or I would be done. I understood this to be a threat to fire me if I did not make the illegal arrests. The next day, Hickethier pulled me aside and told me to stop being so "hard headed." In another incident Hickethier asked me what I had done the previous evening, since I had not been out socializing with his group. I told him I had dinner with some troopers from another state. He said, "Yeah. I saw. Guess once you go black you never go back." One of the individuals I had been with was black. Hickethier knows I have black relatives.

- d. I reported the above conduct to my Sergeant, who reported it to my Captain, Captain Hilbert. Captain Hilbert reported this conduct to LTC Huseby, who asked me for a report, which I provided to him.
- e. Despite being told this conduct would be investigated, I am unaware of the results of the investigation. I am aware that Lt. Colonel Huseby made comments questioning my truthfulness and integrity relating to my report.
- f. During the period in which I understood the matter was being investigated, Hickethier called me at home and asked me to “forgive and forget.”
- g. Since the time of my report, Hickethier has been promoted twice, and now heads the MHP.
- h. I have tested for promotion twice since Hickethier was promoted to Chief of MHP in January 2013. Each time, I was passed over. The promotion process, which used to be transparent, is not transparent any more.
- i. I am well qualified for a promotion. My training and experience before and during my tenure with the MHP has been recognized by MHP leadership on many occasions. I have been appointed Acting Sergeant in the absence of my detachment Commander. I have been named MHP Trooper of the year, Montana Narcotics Officers Association Narcotics Officer of the Year and DOJ Narcotics Officer of the Year. I have never been disciplined. I always score very well on the evaluation scale. I have been a field training officer for 4 years and have often been assigned trainees in all 3 phases of the field training process. I also served as a Camp Commander for the MHP Academy. I am a firearms and taser instructor. I was told I scored in the top 5 candidates on both occasions after the Commanders’ evaluation. To date, Respondents have provided me no feedback about how I scored on other segments of the process. Eleven sergeants have been promoted during the period in which I was passed over.
- j. The first time I was passed over occurred on January 16, 2013. The second time I was passed over was on June 15, 2013. Since Hickethier was promoted to Chief, the criteria for promotions was changed several times. It now includes a test with a result classified as “sociability.” I have been told that my scores on “sociability” have been interpreted to mean I scored low in this area, which might make “networking” difficult. “Networking” is the term used by Hickethier to describe whether the applicant is willing to go out and drink with Hickethier and others during out-of-town conferences and trainings. The baseline for comparison on this test was established by testing four persons who were recently promoted or offered promotions to Captain and who were hand picked by MHP command staff, including Hickethier. Three of those four were persons who, as part of their duties, regularly accompanied Hickethier to conferences and trainings.

- k. In addition to the retaliation by refusing to consider me for promotion, Hickethier has engaged in a continuing practice and routine of attempting to embarrass me and humiliate me in public because I am not willing to participate in his partying and carousing, and a continuing practice of ostracizing me at MHP related events. While I have not been to any out of state conferences since the one in Phoenix, I have been told that the behavior I have reported continues.
 - l. I attempted to file a grievance about the above-described conduct with my union under the Collective Bargaining Agreement (CBA), but my union representative has advised me that this is not covered by the CBA.
 - m. Respondents have continued to tolerate, ratify, and encourage Hickethier's discriminatory conduct, which led to his retaliation against me.
 - n. Respondents have refused to stop Hickethier's conduct, and instead have ratified it, participated, and encouraged it. They have created adverse job conditions for me.
 - o. Since the time the original Complaint was filed, Respondents have retaliated. I believe this retaliation is part of the continuing pattern of retaliation, and is also retaliation for my human rights activity in filing the Complaint. On August 14, 2013, Respondents retaliated by denying me an opportunity to train for a K-9 position for which I applied. I am the most qualified for the position by experience, education, and training. Less qualified officers were chosen instead of me.
- 5. This is to request that the HRB investigate the discrimination and retaliation I have described above. I request that the HRB issue an injunction to stop the retaliation and harassment.
 - 6. Each of the Respondents violated my rights under the Montana Human Rights Act and Governmental Code of Fair Practices, specifically Sections 49-2-303 and 49-2-308 and 49-3-201 and 49-3-209.
 - 7. I hereby request fair and just compensation for my mental and emotional distress, humiliation, embarrassment, and lost compensation caused by Respondents' unlawful conduct. I request compensation for reasonable attorneys' fees and costs necessitated by Respondents' unlawful conduct.

DATED this 4th day of September, 2013.

BEST LAW OFFICES, P.C.

By: 
Elizabeth A. Best, Esq.
P.O. Box 2114
Great Falls, MT 59403-2114
Attorney for Charging Party

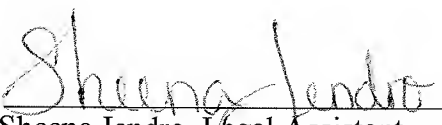
CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served on the following, as indicated below:

☒ U.S. Mail
☐ Overnight Delivery
☐ Hand Delivery
☐ Facsimile

Kila K. Shepherd
Human Resources Services Bureau Chief
Central Services Division
302 North Roberts
P.O. Box 201404
Helena, MT 59620

DATED this 4th day of September, 2013.

By: 
Sheena Jendro, Legal Assistant